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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,510	06/30/2003	Jia-Shiung Kuo	LA-7196-106.US/10307718	4426
7590	03/08/2005		EXAMINER	
FULBRIGHT & JAWORSKI L.L.P. M. John Carson Twenty-Ninth Floor 865 South Figueroa Los Angeles, CA 90017-2571			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	
			DATE MAILED: 03/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/611,510	KUO, JIA-SHIUNG
	Examiner	Art Unit
	Tung S. Lau	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7 and 8 is/are allowed.
- 6) Claim(s) 1,3,4 and 6 is/are rejected.
- 7) Claim(s) 2 and 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Patent Application Publication 2004/0059903).

Regarding claim 1:

Smith discloses a computer component operating temperature inspecting method for use on a computer component that is equipped with a built-in temperature detecting function and is based on a standardized bus architecture, for the purpose of inspecting the current operating temperature of the computer component via the bus architecture, and which is capable of, in the event of the computer component being subjected to a deadlock condition, restoring the computer component back to normal operation to allow the computer component's current operating temperature to be able to be inspected (page 1, section 00030008); the computer component operating temperature inspecting method comprising issuing a temperature request signal via the bus architecture to the computer component to request the computer component to send back an

operating temperature message that indicates the current operating temperature of the computer component (page 1, section 0007-0008); counting for a prespecified length of duration promptly after the issuing of the temperature request signal (page 4, section 0052-0053, page 4, section 0058); at the elapse of the prespecified length of duration, checking whether an operating temperature message has been received via the bus architecture from the computer component (page 4, section 0053) ; if NO, issuing a reset signal and send the reset signal via a dedicated signal line to the computer component for the purpose of resetting the computer component to reestablish link with the bus architecture (page 4, section 0051-52); and inspecting whether the linking between the bus architecture and the computer component is acknowledged; if YES, reissuing a temperature request signal via the bus architecture to the computer component to request the computer component to send back an operating temperature message that indicates the current operating temperature of the computer component (page 4, section 0051-0052).

Regarding claim 3, Smith further discloses alarm for unable established signal after resetting (page 7, claim 8, page 4, section 0051).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Patent Application Publication 2004/0059903) in view of Johnson et al. (U.S. Patent Application Publication 2004/0153786).

Regarding claim 4:

Smith discloses a computer component operating temperature inspecting system for use with a computer component that is equipped with a built-in temperature detecting function and is based on a standardized bus architecture, for the purpose of inspecting the current operating temperature of the computer component via the bus architecture, and which is capable of, in the event of the computer component being subjected to a deadlock condition, restoring the computer component back to normal operation to allow the computer component's current operating temperature to be able to be inspected (page 1, section 000300008); the computer component operating temperature inspecting system comprising: a data communication interface, which is compliant with and connected to the standardized bus architecture so as to exchange messages with the computer component via the bus architecture; a temperature request issuing module (fig. 5, unit 107, 112, 116), which is capable of issuing a temperature request signal via the data communication interface and the bus architecture to the computer component to request the computer component to send back an operating temperature message that indicates the current operating temperature of the computer component (page 1, section 0004-0008);

a timing module, which is capable of being activated to register time for a prespecified length of duration promptly after the issuing of the temperature request signal by the temperature request issuing module (page 4, section 0053-0058) ; a response checking module, which is capable of being activated at the elapse of the prespecified length of duration to check whether an operating temperature message has been received by the data communication interface via the bus architecture from the computer component (page 3, section 0045), and if NO, capable of generating a deadlock message (page 7, claim 8); a reset-signal issuing module, which is capable of being activated in response to the deadlock message from the response checking module to issue a reset signal and send the reset signal via a dedicated signal line to the computer component for the purpose of resetting the computer component to reestablish link with the bus architecture; and an acknowledgement inspecting module (page 4, section 0051), which is capable of being activated promptly after the issuing of the reset signal to inspect whether the linking between the data communication interface and the computer component via the bus architecture is acknowledged (page 7, claim 8), and if YES, request the computer component to send back an operating temperature message that indicates the current operating temperature of the computer component (page 2, section 0025-0026).

Smith does not disclose reissue temperature signal, Johnson discloses reissue temperature signal (page 12, section 0129), in order to increase the reliability of the system (page 2, section 0016).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to have the reissue temperature signal taught by Johnson in order in order to increase the reliability of the system.

Regarding claim 6, Smith further discloses alarm for unable established signal after resetting (page 7, claim 8, page 4, section 0051).

Allowable Subject Matter

3. Claims 7-8 are allowed. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach: Regarding claim 2 and 5, communication interface SMBus/I2C bus architecture.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
Independent claims 7 contains allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 7:

The primary reason for the allowance of claim 7 is the inclusion of the operating temperature system including communication interface SMBus/I2C bus architecture. It is these features found in the claim, as they are claimed in the combination, that has not

been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 8 is allowed due to their dependency on claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments filed 2/14/2005 have been fully considered but they are not persuasive.
 - A. Applicant argues in the arguments that the prior art does not show the 'monitoring of the receipt of a temperature signal' and 'the available responses to instances when a temperature signal has not been received'. Smith discloses 'monitoring of the receipt of a temperature signal' in page 4, section 0051, and Smith discloses 'the available responses to instances when a temperature signal has not been received' in page 4, section 0058.
 - B. Applicant argues in the arguments that the prior art does not show the 'watchdog timer is employed to determined whether or not a temperature signal has been received'. Smith discloses 'watchdog timer is employed to determined whether or not a temperature signal has been received' in page 4, section 0058.

C. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Smith and Johnson teach computer temperature control system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2863

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL



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